

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE COTE

CHARLES V. VACCARO,

Plaintiff,

07 CIV 6793

No. _____

- against -

THE BANK OF NEW YORK COMPANY, INC.,

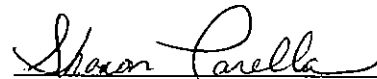
Defendant.

RULE 7.1 STATEMENT

Pursuant to Federal Rule of Civil Procedure 7.1 and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Defendant The Bank of New York (a private non-governmental party) states that as of July 1, 2007, The Bank of New York Company, Inc. merged with and into The Bank of New York Mellon Corporation. The Bank of New York Mellon Corporation is a publicly traded corporation and does not have a parent corporation. No publicly held corporation owns 10% or more of The Bank of New York Mellon Corporation's stock.

Dated: New York, New York
July 27, 2007

WHITE & CASE LLP



Sharon A. Parella (SP-5183)

Jennifer Frattini (JF-7324)

1155 Avenue of the Americas
New York, New York 10036
Telephone: (212) 819-8200
Facsimile: (212) 354-8113

Attorneys for The Bank of New York

6192941

